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CIA Sent Planes To Rebels, Sasser Says Files Show

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The Defense Department disclosed documents yesterday showing that three Air Force planes had been transferred through the Central Intelligence Agency to U.S.-backed rebels in Nicaragua, according to a spokesman for Sen. Jim Sasser (D-Tenn.).

Sasser, a long-time critic of the Reagan administration's "secret war" supporting the rebels, said the transfer may "circumvent" a strict \$24 million limit placed by Congress this year on CIA and Defense Department aid for the rebels, who are known as *contras*.

"The key unresolved issue is whether or not these aircraft were transferred to the *contras* without charge," Sasser said. "This situation leads me to believe that the administration may have acted in a cavalier and irresponsible manner concerning the laws and regulations limiting aid to the *contras*."

A White House spokesman declined comment, but a senior administration official said Friday that several other small, noncombatant military aircraft have been transferred from the Air Force to the *contras* through the CIA.

According to a spokesman for Sasser, the secret documents delivered yesterday to the senator's office are "consistent with" an account published in Saturday's Washington Post detailing an elaborate and circuitous transfer late last year of three Air Force airplanes from an Air National Guard airport in Newburgh, N.Y., to Central America. The Pentagon delivered the documents to Sasser, a ranking member of a Senate subcommittee on military construction, in response to a letter he sent last week to Defense Secretary Caspar W. Weinberger.

The planes moved from New York State to Andrews Air Force Base, where they were turned over to a

secret Joint Chiefs of Staff operation code-named "Elephant Herd." Subsequently, the planes went to the CIA, and then to a Delaware aviation company, where they were armed with rockets. Finally they were flown to Central America to be turned over to the *contras*.

The three planes—rocket-equipped, twin-engine Cessna O2As—were used in a much-pub-

licized Sept. 1 raid on a Nicaraguan military school. Two American civilians who had gone to Central America to assist the rebel forces were killed in the raid when the helicopter in which they were riding was shot down.

Congress repeatedly has refused administration requests for additional funding for the *contras* this year. It imposed a stringently worded prohibition on the CIA and the Defense Department against spending more than \$24 million "which could have the effect of supporting, directly or indirectly" *contra* operations.

Commenting on the secret transfer of Air Force planes to the rebels, several Democratic lawmakers charged yesterday that the Reagan administration was "flouting" the express will of Congress.

"Such a transfer . . . makes a

mockery of the system of oversight Congress so painstakingly established in the 1970s," said Sen. Edward M. Kennedy (D-Mass.). "It is now clear that President Reagan has decided to keep his secret war in Nicaragua going no matter what Congress says or does."

"It looks like another instance of the executive branch exceeding the \$24 million cap," said Rep. Jim Moody (D-Wis), one of a group of liberal lawmakers opposed to the Reagan administration's support of the *contras*. "This transfer is clearly a violation of the spirit and the letter of the law."

"This is obviously a case of laundering of military equipment through creative accounting," said Rep. Ted Weiss (D-N.Y.).

The Pentagon had no comment yesterday on the transfer of the planes, a spokesman said. Ranking

members of the House and Senate intelligence committees also declined comment.

In the past, the Pentagon has cited the Economy Act of 1920 to justify the cost-free transfer of equipment from Defense to the CIA. The act was written to prevent one agency from increasing its spending at the expense of another. The General Accounting Office, the investigative arm of Congress, has interpreted the law to mean that equipment loaned under the act must be returned in usable condition or paid for.

Defense, however, reads the law differently. According to James Saylor, director of financial accounting policy for the Pentagon, the Economy Act is "a rather general law" that allows Defense to negotiate a price with the CIA "which is zero."